

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 1:12-CR-224
)
GILBERTO RAMOS,) The Honorable Gerald Bruce Lee
)
Defendant)

**GOVERNMENT'S REPLY TO DEFENDANT'S SECOND MOTION
TO CONTINUE TRIAL DATE**

For the following reasons, the Government objects to a further continuance of the trial in this matter.

On May 24, 2012, a grand jury returned an indictment charging the defendant with conspiracy to distribute five kilograms or more of cocaine. On August 30, 2012, a grand jury returned a superseding indictment charging the defendant, Maurice Krider, and Carlos Torres with conspiracy to distribute five kilograms or more of cocaine. This Court set the case for trial by jury on November 19, 2012. The Government was prepared to try the defendant on November 19, 2012. On November 5, 2012, the defendant moved to continue the trial date. Given the circumstances of that request, which was based on the impact of Hurricane Sandy on counsel's office and practice, The Government did not object to that request, which was based on the impact of Hurricane Sandy on counsel's office and practice, and this Court continued the case to January 22, 2013.

The Government objects to a further continuance of this matter. There are several Government witnesses traveling from other locations to testify in this case. These witnesses have been asked to clear their schedules twice. Additionally, the United States Marshal's Service is holding several prisoner witnesses who have been sentenced. These prisoner witnesses are likely to be held here, and not sent to their designated BOP facility, until this trial is complete.

Lastly, the date proposed by the defendant poses conflicts for both Government attorneys. AUSA Ben'Ary is scheduled to begin a two-defendant trial before Judge O'Grady on February 5, 2013. SAUSA Eriksen is scheduled to begin a trial on February 12, 2013 with Judge Hilton.

For the foregoing reasons, defendant's second motion to continue should be denied. Should the Court grant the motion, the Government will be seeking a new date in late February or early March.

Respectfully Submitted,

Neil H. MacBride
United States Attorney

By: _____ /s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of December 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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